

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

T.A., Mother and Guardian of Minor
Children, T.A. and T.A.,

Plaintiff,

v.

COUNTY OF DELAWARE, et al.,

Defendants.

CIVIL ACTION
NO. 18-2141

ORDER

AND NOW, this 14th day of March, 2019, upon consideration of Defendants County of Delaware, Delaware County Department of Human Services Children and Youth Services (“CYS”), Oreatha Smith and Michelle Kane’s Motion to Dismiss (ECF No. 12) and Plaintiff’s Response (ECF No. 24) it is hereby **ORDERED** that the Motion is **GRANTED in part** and **DENIED in part** as follows:

1. CYS’s Motion to Dismiss Count I (Due Process) is **GRANTED** and the claim is **DISMISSED with prejudice** as to CYS;
2. County of Delaware’s Motion to Dismiss Count I is **GRANTED** and the claim is **DISMISSED without prejudice** as to County of Delaware;
3. Smith and Kane’s Motion to Dismiss Count I is **DENIED**;
4. Smith and Kane’s Motion to Dismiss Count III (Negligence) is **GRANTED** and the claim is **DISMISSED with prejudice** as to Smith and Kane.

Plaintiff may amend Count I of the Complaint as to the County of Delaware, consistent with the Court’s Memorandum, on or before **Thursday, April 11, 2019**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.